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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/011,022	11/13/2001	Kirstan Anderson Vandersluis	XAW-0101C	1491

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Law Office of Dale B. Halling
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EXAMINER

JUNG, DAVID YIUK

ART UNIT PAPER NUMBER

2134

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/011,022

Applicant(s)

VANDERSLUIS, KIRSTAN
ANDERSON

Examiner

David Y Jung

Art Unit

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 16-38.

Claim(s) withdrawn from consideration: _____.


8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Continuation of 5. does NOT place the application in condition for allowance because: the arguments are not yet persuasive. Applicant asks allowance based on ddf (e.g., cl 34). That a user could not use DTD as a suggestioni for definining his own ddf does not appear convincing at this moment..

While the questions on page 7 of the Remarks are helpful, they are not sufficient. Questions 1,2 pertain to format conversion. XML is inherently used for such purposes. For instance, B-to-B applications often use XML because of this reason. Questions 3, 4 pertain to ddf. As noted before, that a user could not use DTD as a suggestioni for definining his own ddf does not appear convincing at this moment.. Question 5 pertains to Macherius reference. Macherius clearly states that the subject matter (XML) was published at least by 1996. Question 6 pertains to Windows reference. The hierarchical relationship between windows is exactly what is being pointed to as teaching the hierarchical relationships of the claims. Question 7 asks whether a combination of windows and XML is reasonable. How can it not? Both windows and XML are particularly used in Internet Explorer. The ordinary skilled in the are ot computer display routinely combine ideas from the two areas (e.g., note the combination apparent in Internet Explorer which can handle XML as well as HTML). Question 7 also asks whether this is relevant to format conversion. How can it not? XML is routinely used because of its ease of use in format conversions (e.g., b-to-b applications).

At end of page 8, Applicant states: "Enterprise systems are existing corporate systems that do not use XML, such as relational databases." The Office believes this statement is factually wrong; systems that use relational databases routinely use XML (e.g., many b-to-b applications).

 10/31/04